

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The Department had been paying the petitioner's Medicare premium through Medicaid, but determined that they had erred in making payments. After discovering their error, the Department determined that petitioner's income was above the program maximums for Medicaid payment of any of her Medicare premiums. The Department sent petitioner a notice

in August 20, 2007 terminating her eligibility for the Medicare Savings program.

3. A fair hearing was held on October 29, 2007. In the time that her hearing was pending the Department had sent the petitioner conflicting notices regarding the source of her income. However, as of the date of the hearing the petitioner did not dispute the income *sources* (Social Security and retirement) determined by the Department. The petitioner (whose benefits have continued pending the hearing) was advised to reapply if she disputes the *amount* of income determined by the Department.

4. In determining the petitioner's eligibility for the Medicare Savings program the Department applied a \$20 disregard leaving countable unearned income of \$1,464 per month, which is in excess of the monthly program maximum of \$1,149 for a household of one.

ORDER

The Department's decision is affirmed.

REASONS

Under the Medicaid regulations, the Department can pay for all or some of an individual's Medicare premiums if certain criteria are met. M200.4. For non-working

individuals, income cannot exceed 135 percent of the federal poverty level, \$1,149 per month, to qualify for any payment. M200.44, P-2420B(2).

The Department correctly calculated the petitioner's countable income during review of her case and found that petitioner's countable income exceeded the program maximum. Thus, the Department was correct in terminating payment for the Medicare premium. As a result, the Department's decision must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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